

Senate File 419 - Introduced

SENATE FILE _____
BY COMMITTEE ON TRANSPORTATION
(SUCCESSOR TO SSB 1185)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 transportation, including provisions for the administration of
3 the department, driver licensing, vehicle regulation, the
4 motor fuel tax formula, and the issuance of citations,
5 establishing a cap on annual deposits to the TIME=21 fund,
6 providing a penalty, and providing effective and retroactive
7 applicability dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1312SV 83
10 dea/nh/8

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DIVISION I ADMINISTRATION

1 1
1 2
1 3 Section 1. Section 321.145, subsection 2, paragraph b,
1 4 subparagraph (5), Code 2009, is amended by striking the
1 5 subparagraph.

DIVISION II DRIVER LICENSING

1 6
1 7
1 8 Sec. 2. Section 321.180B, unnumbered paragraph 1, Code
1 9 2009, is amended to read as follows:
1 10 Persons under age eighteen shall not be issued a license or
1 11 permit to operate a motor vehicle except under the provisions
1 12 of this section. However, the department may issue restricted
1 13 and special driver's licenses to certain minors as provided in
1 14 sections 321.178 and 321.194, and driver's licenses restricted
1 15 to motorized bicycles as provided in section 321.189. A
1 16 license or permit shall not be issued under this section or
1 17 section 321.178 or 321.194 without the consent of a parent or
1 18 guardian or a person having custody of the applicant under
1 19 chapter 232 or 600A. An additional consent is required each
1 20 time a license or permit is issued under this section or
1 21 section 321.178 or 321.194. The consent must be signed by at
1 22 least one parent, ~~or~~ guardian, or custodian on an affidavit
1 23 form provided by the department.

1 24 Sec. 3. Section 321.180B, subsection 1, unnumbered
1 25 paragraph 3, Code 2009, is amended to read as follows:
1 26 Except as otherwise provided, a permittee who is less than
1 27 eighteen years of age and who is operating a motor vehicle
1 28 must be accompanied by a person issued a driver's license
1 29 valid for the vehicle operated who is the parent, ~~or~~ guardian,
1 30 or custodian of the permittee, member of the permittee's
1 31 immediate family if the family member is at least twenty-one
1 32 years of age, an approved driver education instructor, a
1 33 prospective driver education instructor who is enrolled in a
1 34 practitioner preparation program with a safety education
1 35 program approved by the state board of education, or a person
2 1 at least twenty-five years of age if written permission is
2 2 granted by the parent, ~~or~~ guardian, or custodian, and who is
2 3 actually occupying a seat beside the driver. A permittee
2 4 shall not operate a motor vehicle if the number of passengers
2 5 in the motor vehicle exceeds the number of passenger safety
2 6 belts in the motor vehicle. If the applicant for an
2 7 instruction permit holds a driver's license issued in this
2 8 state valid for the operation of a motorized bicycle or a
2 9 motorcycle, the instruction permit shall be valid for such
2 10 operation without the requirement of an accompanying person.
2 11 Sec. 4. Section 321.180B, subsection 2, Code 2009, is

2 12 amended to read as follows:

2 13 2. INTERMEDIATE LICENSE. The department may issue an
2 14 intermediate driver's license to a person sixteen or seventeen
2 15 years of age who possesses an instruction permit issued under
2 16 subsection 1 or a comparable instruction permit issued by
2 17 another state for a minimum of six months immediately
2 18 preceding application, and who presents an affidavit signed by
2 19 a parent, ~~or~~ guardian, or custodian on a form to be provided
2 20 by the department that the permittee has accumulated a total
2 21 of twenty hours of street or highway driving of which two
2 22 hours were conducted after sunset and before sunrise and the
2 23 street or highway driving was with the permittee's parent,
2 24 guardian, custodian, instructor, a person certified by the
2 25 department, or a person at least twenty-five years of age who
2 26 had written permission from a parent, ~~or~~ guardian, or
2 27 custodian to accompany the permittee, and whose driving
2 28 privileges have not been suspended, revoked, or barred under
2 29 this chapter or chapter 321J during, and who has been accident
2 30 and violation free continuously for, the six-month period
2 31 immediately preceding the application for an intermediate
2 32 license. An applicant for an intermediate license must meet
2 33 the requirements of section 321.186, including satisfactory
2 34 completion of driver education as required in section 321.178,
2 35 and payment of the required license fee before an intermediate
3 1 license will be issued. A person issued an intermediate
3 2 license must limit the number of passengers in the motor
3 3 vehicle when the intermediate licensee is operating the motor
3 4 vehicle to the number of passenger safety belts.

3 5 Except as otherwise provided, a person issued an
3 6 intermediate license under this subsection who is operating a
3 7 motor vehicle between the hours of twelve-thirty a.m. and five
3 8 a.m. must be accompanied by a person issued a driver's license
3 9 valid for the vehicle operated who is the parent, ~~or~~ guardian,
3 10 or custodian of the permittee, a member of the permittee's
3 11 immediate family if the family member is at least twenty-one
3 12 years of age, an approved driver education instructor, a
3 13 prospective driver education instructor who is enrolled in a
3 14 practitioner preparation program with a safety education
3 15 program approved by the state board of education, or a person
3 16 at least twenty-five years of age if written permission is
3 17 granted by the parent, ~~or~~ guardian, or custodian, and who is
3 18 actually occupying a seat beside the driver. However, a
3 19 licensee may operate a vehicle to and from school-related
3 20 extracurricular activities and work without an accompanying
3 21 driver between the hours of twelve-thirty a.m. and five a.m.
3 22 if such licensee possesses a waiver on a form to be provided
3 23 by the department. An accompanying driver is not required
3 24 between the hours of five a.m. and twelve-thirty a.m.

3 25 Sec. 5. Section 321.180B, subsection 4, Code 2009, is
3 26 amended to read as follows:

3 27 4. FULL DRIVER'S LICENSE. A full driver's license may be
3 28 issued to a person seventeen years of age who possesses an
3 29 intermediate license issued under subsection 2 or a comparable
3 30 intermediate license issued by another state for a minimum of
3 31 twelve months immediately preceding application, and who
3 32 presents an affidavit signed by a parent, ~~or~~ guardian, or
3 33 custodian on a form to be provided by the department that the
3 34 intermediate licensee has accumulated a total of ten hours of
3 35 street or highway driving of which two hours were conducted
4 1 after sunset and before sunrise and the street or highway
4 2 driving was with the licensee's parent, guardian, custodian,
4 3 instructor, a person certified by the department, or a person
4 4 at least twenty-five years of age who had written permission
4 5 from a parent, ~~or~~ guardian, or custodian to accompany the
4 6 licensee, whose driving privileges have not been suspended,
4 7 revoked, or barred under this chapter or chapter 321J during,
4 8 and who has been accident and violation free continuously for,
4 9 the twelve-month period immediately preceding the application
4 10 for a full driver's license, and who has paid the required
4 11 fee.

4 12 Sec. 6. Section 321.184, subsection 1, Code 2009, is
4 13 amended to read as follows:

4 14 1. CONSENT REQUIRED. The application of an unmarried
4 15 person under the age of eighteen years for a driver's license
4 16 shall contain the verified consent and confirmation of the
4 17 applicant's birthday by either parent of the applicant, the
4 18 guardian of the applicant, or a person having custody of the
4 19 applicant under chapter 232 or 600A. Officers and employees
4 20 of the department may administer the oaths without charge.

4 21 Sec. 7. Section 321.208, subsection 1, paragraph b, Code
4 22 2009, is amended by striking the paragraph.

4 23 Sec. 8. Section 321.208, subsection 2, paragraph a, Code
4 24 2009, is amended to read as follows:
4 25 a. ~~Operating a motor vehicle while under the influence of~~
4 26 ~~an alcoholic beverage or other drug or controlled substance or~~
4 27 ~~a combination of such substances intoxicated, as provided in~~
4 28 ~~section 321J.2, subsection 1.~~
4 29 Sec. 9. Section 321.210A, subsection 1, paragraph c, Code
4 30 2009, is amended to read as follows:
4 31 c. Upon receipt of a report of a failure to pay the fine,
4 32 penalty, surcharge, or court costs from the clerk of the
4 33 district court, the department shall in accordance with its
4 34 rules, suspend the person's driver's license until the fine,
4 35 penalty, surcharge, or court costs are paid, ~~unless the person~~
5 1 ~~proves to the satisfaction of the department that the person~~
5 2 ~~cannot pay the fine, penalty, surcharge, or court costs.~~
5 3 Sec. 10. Section 321J.8, subsection 1, paragraph c,
5 4 subparagraph (2), Code 2009, is amended to read as follows:
5 5 (2) If the person is operating a noncommercial motor
5 6 vehicle and holding a commercial driver's license as defined
5 7 in section 321.1 and either refuses to submit to the test or
5 8 ~~operates a motor vehicle while under the influence of an~~
5 9 ~~alcoholic beverage or other drug or controlled substance or a~~
5 10 ~~combination of such substances submits to the test and the~~
5 11 ~~results indicate the presence of a controlled substance or~~
5 12 ~~other drug or an alcohol concentration equal to or in excess~~
5 13 ~~of the level prohibited by section 321J.2, the person is~~
5 14 disqualified from operating a commercial motor vehicle for the
5 15 applicable period under section 321.208 in addition to any
5 16 revocation of the person's driver's license or nonresident
5 17 operating privilege which may be applicable under this
5 18 chapter.
5 19 Sec. 11. Section 321J.13, subsection 6, paragraphs a and
5 20 c, Code 2009, are amended to read as follows:
5 21 a. The department shall grant a request for a hearing to
5 22 rescind the revocation if the person whose motor vehicle
5 23 license or operating privilege has been or is being revoked
5 24 under section 321J.9 or 321J.12 submits a petition containing
5 25 information relating to the discovery of new evidence that
5 26 provides grounds for ~~recision~~ rescission of the revocation.
5 27 c. Such a holding by the court in the criminal action is
5 28 binding on the department, and the department shall rescind
5 29 the revocation. If the offense for which the revocation was
5 30 imposed was committed while the person was operating a
5 31 noncommercial motor vehicle and holding a commercial driver's
5 32 license and the department disqualified the person from
5 33 operating a commercial motor vehicle under section 321.208,
5 34 subsection 2, paragraph "a" or "b", as a result of the
5 35 revocation, the department shall also rescind the
6 1 disqualification.
6 2 Sec. 12. Section 321.192, Code 2009, is repealed.
6 3 DIVISION III
6 4 VEHICLES
6 5 Sec. 13. Section 312.2, subsection 19, paragraph a, Code
6 6 2009, is amended by striking the paragraph and inserting in
6 7 lieu thereof the following:
6 8 a. The treasurer of state, before making the allotments
6 9 provided for in this section, shall credit monthly to the
6 10 TIME=21 fund created in section 312A.2 the following amounts:
6 11 (1) One-half of the amount received by the treasurer from
6 12 trailer registration fees pursuant to section 321.123,
6 13 subsection 1, paragraph "a", subparagraph (1).
6 14 (2) Two-thirds of the amount received by the treasurer
6 15 from trailer registration fees collected pursuant to section
6 16 321.123, subsection 1, paragraph "a", subparagraph (2).
6 17 (3) One-third of the amount received by the treasurer from
6 18 trailer registration fees collected pursuant to section
6 19 321.123, subsection 2.
6 20 Sec. 14. Section 321.1, subsection 17, Code 2009, is
6 21 amended to read as follows:
6 22 17. "Dealer" means every person engaged in the business of
6 23 buying, selling, or exchanging vehicles of a type required to
6 24 be registered hereunder and who has an established place of
6 25 business for such purpose in this state. "Dealer" includes
6 26 those persons required to be licensed as dealers under
6 27 chapters 322 and 322C.
6 28 Sec. 15. Section 321.18, subsection 7, Code 2009, is
6 29 amended to read as follows:
6 30 7. Any school bus in this state used exclusively for the
6 31 transportation of pupils to and from school or a school
6 32 function or for the purposes provided in section 285.1,
6 33 subsection 1, and section 285.10, subsection 9, or used

6 34 exclusively for the transportation of children enrolled in a
6 35 federal head start program. Upon application the department
7 1 shall, without charge, issue a registration certificate and
7 2 ~~shall also issue registration plates, which shall have~~
7 3 ~~imprinted thereon the words "Private School Bus" and a~~
7 4 ~~distinguishing number assigned to the applicant. Such The~~
7 5 plates shall be attached to the front and rear of each bus
7 6 exempt from registration under this subsection.

7 7 Sec. 16. Section 321.22, Code 2009, is amended to read as
7 8 follows:

7 9 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT CERTIFICATES
7 10 AND PLATES.

7 11 1. An urban transit company or system having a franchise
7 12 to operate in any city and any regional transit system may
7 13 make application to the department, upon forms furnished by
7 14 the department, for a certificate containing a distinguishing
7 15 number and for one or more pairs of ~~transit bus registration~~
7 16 plates to be attached to the front and rear of buses owned or
7 17 operated by the transit company or system.

7 18 2. The department shall issue to the applicant a
7 19 certificate, or certificates, containing, but not limited to,
7 20 the applicant's name and address, the distinguishing number
7 21 assigned to the applicant, and such other information deemed
7 22 necessary by the department for proper identification of the
7 23 buses.

7 24 3. The department shall issue ~~transit bus~~ registration
7 25 plates ~~as applied for, which shall be imprinted with the words~~
7 26 ~~"Transit Bus" and the distinguishing number assigned to the~~
7 27 applicant.

7 28 4. The department shall issue the certificates and plates
7 29 without fee.

7 30 Sec. 17. Section 321.89, subsection 2, Code 2009, is
7 31 amended to read as follows:

7 32 2. AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A
7 33 police authority, upon the authority's own initiative or upon
7 34 the request of any other authority having the duties of
7 35 control of highways or traffic, shall take into custody an
8 1 abandoned vehicle on public property and may take into custody
8 2 an abandoned vehicle on private property. The police
8 3 authority may employ its own personnel, equipment, and
8 4 facilities or hire a private entity, equipment, and facilities
8 5 for the purpose of removing, preserving, storing, or disposing
8 6 of abandoned vehicles. A property owner or other person in
8 7 control of private property may employ a private entity who is
8 8 a garagekeeper, as defined in section 321.90, to dispose of an
8 9 abandoned vehicle, and the private entity may take into
8 10 custody the abandoned vehicle without a police authority's
8 11 initiative. If a police authority employs a private entity to
8 12 dispose of abandoned vehicles, the police authority shall
8 13 provide the private entity with the names and addresses of the
8 14 registered owners, all lienholders of record, and any other
8 15 known claimant to the vehicle or the personal property found
8 16 in the vehicle. The owners, lienholders, or other claimants
8 17 of the abandoned vehicle shall not have a cause of action
8 18 against a private entity for action taken under this section
8 19 if the private entity provides notice as required by
8 20 subsection 3, paragraph "a", ~~to those persons whose names were~~
8 21 ~~provided by the police authority.~~

8 22 Sec. 18. Section 321.89, subsections 3 and 4, Code 2009,
8 23 are amended to read as follows:

8 24 3. NOTIFICATION OF OWNER, LIENHOLDERS, AND OTHER
8 25 CLAIMANTS.

8 26 a. A police authority or private entity that takes into
8 27 custody an abandoned vehicle shall notify, within twenty days,
8 28 by certified mail, the last known registered owner of the
8 29 vehicle, all lienholders of record, and any other known
8 30 claimant to the vehicle or to personal property found in the
8 31 vehicle, addressed to the parties' last known addresses of
8 32 record, that the abandoned vehicle has been taken into
8 33 custody. Notice shall be deemed given when mailed. The
8 34 notice shall describe the year, make, model, and vehicle
8 35 identification number of the vehicle, describe the personal
9 1 property found in the vehicle, set forth the location of the
9 2 facility where the vehicle is being held, and inform the
9 3 persons receiving the notice of their right to reclaim the
9 4 vehicle and personal property within ten days after the
9 5 effective date of the notice upon payment of all towing,
9 6 preservation, and storage charges resulting from placing the
9 7 vehicle in custody and upon payment of the costs of notice
9 8 required pursuant to this subsection. The notice shall also
9 9 state that the failure of the owner, lienholders, or claimants

9 10 to exercise their right to reclaim the vehicle or personal
9 11 property within the time provided shall be deemed a waiver by
9 12 the owner, lienholders, and claimants of all right, title,
9 13 claim, and interest in the vehicle or personal property and
9 14 that failure to reclaim the vehicle or personal property is
9 15 deemed consent to the sale of the vehicle at a public auction
9 16 or disposal of the vehicle to a demolisher and to disposal of
9 17 the personal property by sale or destruction. ~~The~~ If the
9 18 abandoned vehicle was taken into custody by a private entity
9 19 without a police authority's initiative, the notice shall
9 20 state that the private entity may claim a garagekeeper's lien
9 21 as described in section 321.90, subsection 1, and may proceed
9 22 to sell or dispose of the vehicle. If the abandoned vehicle
9 23 was taken into custody by a police authority or by a private
9 24 entity hired by a police authority, the notice shall state
9 25 that any person claiming rightful possession of the vehicle or
9 26 personal property who disputes the planned disposition of the
9 27 vehicle or property by the police authority or private entity
9 28 or of the assessment of fees and charges provided by this
9 29 section may ask for an evidentiary hearing before the police
9 30 authority to contest those matters. If the persons receiving
9 31 ~~the~~ notice do not ask for a hearing or exercise their right to
9 32 reclaim the vehicle or personal property within the ten-day
9 33 reclaiming period, the owner, lienholders, or claimants shall
9 34 no longer have any right, title, claim, or interest in or to
9 35 the vehicle or the personal property. A court in any case in
10 1 law or equity shall not recognize any right, title, claim, or
10 2 interest of the owner, lienholders, or claimants after the
10 3 expiration of the ten-day reclaiming period.

10 4 b. If it is impossible to determine with reasonable
10 5 certainty the identity and addresses of the last registered
10 6 owner and all lienholders, notice by one publication in one
10 7 newspaper of general circulation in the area where the vehicle
10 8 was abandoned shall be sufficient to meet all requirements of
10 9 notice under this section. The published notice may contain
10 10 multiple listings of abandoned vehicles and personal property
10 11 but shall be published within the same time requirements and
10 12 contain the same information as prescribed for mailed notice
10 13 in paragraph "a".

10 14 4. AUCTION OF ABANDONED VEHICLES.

10 15 a. If an abandoned vehicle has not been reclaimed as
10 16 provided for in subsection 3, the police authority or private
10 17 entity shall make a determination as to whether or not the
10 18 vehicle shall be sold for use upon the highways. If the
10 19 vehicle is not sold for use upon the highways, it shall be
10 20 sold for junk, or demolished and sold as scrap. The police
10 21 authority or private entity shall sell the vehicle at public
10 22 auction. Notwithstanding any other provision of this section,
10 23 a police authority or private entity may dispose of the
10 24 vehicle to a demolisher for junk without public auction after
10 25 complying with the notification procedures in subsection 3.
10 26 The purchaser of the vehicle takes title free and clear of all
10 27 liens and claims of ownership, shall receive a sales receipt
10 28 from the police authority or private entity, and is entitled
10 29 to register the vehicle and receive a certificate of title if
10 30 sold for use upon the highways. If the vehicle is sold or
10 31 disposed of to a demolisher for junk, the demolisher shall
10 32 make application for a junking certificate to the county
10 33 treasurer within thirty days of purchase and shall surrender
10 34 the sales receipt in lieu of the certificate of title.

10 35 b. From the proceeds of the sale of an abandoned vehicle
11 1 the police authority, if the police authority did not hire a
11 2 private entity, shall reimburse itself for the expenses of the
11 3 auction, the costs of towing, preserving, and storing which
11 4 resulted from placing the abandoned vehicle in custody, all
11 5 notice and publication costs incurred pursuant to subsection
11 6 3, the cost of inspection, and any other costs incurred except
11 7 costs of bookkeeping and other administrative costs. Any
11 8 remainder from the proceeds of a sale shall be held for the
11 9 owner of the vehicle or entitled lienholder for ninety days,
11 10 and shall then be deposited in the road use tax fund. The
11 11 costs to police authorities of auction, towing, preserving,
11 12 storage, and all notice and publication costs, and all other
11 13 costs which result from placing abandoned vehicles in custody,
11 14 whenever the proceeds from a sale of the abandoned vehicles
11 15 are insufficient to meet these expenses and costs, shall be
11 16 paid from the road use tax fund and are the obligation of the
11 17 last owner or owners, jointly and severally.

11 18 c. The director of transportation shall establish by rule
11 19 a claims procedure to be followed by police authorities in
11 20 obtaining expenses and costs from the fund and procedures for

11 21 reimbursement of expenses and costs to a private entity hired
11 22 by a police authority to take custody of an abandoned vehicle.
11 23 If a private entity has been hired by a police authority, the
11 24 police authority shall file a claim with the department for
11 25 reimbursement of towing fees which shall be paid from the road
11 26 use tax fund.

11 27 Sec. 19. Section 321.166, subsection 9, Code 2009, is
11 28 amended to read as follows:

11 29 9. Special registration plates issued pursuant to section
11 30 321.34 ~~beginning January 1, 1997~~, other than gold star, medal
11 31 of honor, collegiate, fire fighter, and natural resources
11 32 registration plates, shall be consistent with the design and
11 33 color of regular registration plates but shall provide a space
11 34 on a portion of the plate for the purpose of allowing the
11 35 placement of a distinguishing processed emblem. Special
12 1 registration plates shall also comply with the requirements
12 2 for regular registration plates as provided in this section to
12 3 the extent the requirements are consistent with the section
12 4 authorizing a particular special vehicle registration plate.

12 5 Sec. 20. Section 321F.9, Code 2009, is amended to read as
12 6 follows:

12 7 321F.9 OPTION TO PURCHASE == DEALER'S LICENSE.

12 8 Any person engaged in business in this state shall not
12 9 enter into any agreement for the use of a motor vehicle under
12 10 the terms of which that person grants to another an option to
12 11 purchase the motor vehicle without first having obtained a
12 12 motor vehicle dealer's license under the provisions of chapter
12 13 322, and all sales of motor vehicles under such options shall
12 14 be subject to sales or use taxes imposed under the provisions
12 15 of chapter 423. Nothing contained in this section shall
12 16 require such person to have a place of business as provided by
12 17 section 322.6, subsection ~~8~~ 1, paragraph "h".

12 18 Sec. 21. Section 321H.2, subsections 6, 8, and 9, Code
12 19 2009, are amended to read as follows:

12 20 6. "Used vehicle parts dealer" means a person engaged in
12 21 the business of selling bodies, parts of bodies, frames or
12 22 component parts of used vehicles subject to registration ~~under~~
12 23 ~~chapter 321~~.

12 24 8. "Vehicle rebuilder" means a person engaged in the
12 25 business of rebuilding or restoring to operating condition
12 26 vehicles subject to registration ~~under chapter 321~~, which have
12 27 been damaged or wrecked.

12 28 9. "Vehicle salvager" means a person engaged in the
12 29 business of scrapping, recycling, dismantling, or storing
12 30 wrecked or damaged vehicles or selling reusable parts of
12 31 vehicles or storing vehicles not currently registered which
12 32 vehicles are vehicles subject to registration ~~under chapter~~
12 33 ~~321~~.

12 34 Sec. 22. Section 321H.2, Code 2009, is amended by adding
12 35 the following new subsection:

13 1 NEW SUBSECTION. 9A. "Vehicle subject to registration"
13 2 means any vehicle that is of a type required to be registered
13 3 under chapter 321 when operated on a public highway, including
13 4 but not limited to a vehicle that is inoperable, salvage, or
13 5 rebuilt.

13 6 Sec. 23. Section 321H.3, Code 2009, is amended to read as
13 7 follows:

13 8 321H.3 PROHIBITIONS.

13 9 Except for educational institutions, ~~people; persons~~
13 10 licensed as new vehicle dealers under chapter 322, ~~people;~~
13 11 ~~persons~~ engaged in a hobby not for profit, ~~people; persons~~
13 12 engaged in the business of purchasing bodies, parts of bodies,
13 13 frames, or component parts of vehicles only for sale as scrap
13 14 metal; or ~~a person~~ persons licensed under the provisions of
13 15 this chapter as an authorized vehicle ~~recycler~~ recyclers, a
13 16 person in this state shall not engage in the business of any
13 17 of the following:

13 18 1. Selling or offering for sale used bodies, parts of
13 19 bodies, frames, or component parts of more than six used
13 20 vehicles subject to registration ~~under chapter 321~~ in a
13 21 ~~calendar year; or twelve-month period.~~

13 22 2. ~~Wrecking or dismantling in a calendar year~~ Dismantling,
13 23 scrapping, recycling, salvaging, or obtaining a junking
13 24 certificate for more than six vehicles or the parts of more
13 25 than six vehicles subject to registration ~~under chapter 321~~
13 26 ~~for resale; or in a twelve-month period.~~

13 27 3. Rebuilding or restoring for sale ~~six or more than six~~
13 28 wrecked or salvage vehicles subject to registration ~~under~~
13 29 ~~chapter 321~~ in a ~~calendar year; or twelve-month period.~~

13 30 4. Storing more than six vehicles not currently registered
13 31 or storing damaged vehicles except where such storing of

13 32 damaged vehicles is incidental to the primary purpose of the
13 33 repair of motor vehicles for others, ~~scrapping, disposing,~~
~~13 34 salvaging or recycling more than six vehicles or parts of more~~
~~13 35 than six vehicles subject to registration under chapter 321 in~~
~~14 1 a calendar year.~~

14 2 Sec. 24. Section 321H.4, subsections 2 and 3, Code 2009,
14 3 are amended to read as follows:

14 4 2. a. Application for a license as an authorized vehicle
14 5 recycler shall be made to the department on forms provided by
14 6 the department. The application shall be accompanied by a fee
14 7 of seventy dollars for a two-year period or part thereof. The
14 8 license shall be approved or disapproved within thirty days
14 9 after application for the license. A license expires on
14 10 December 31 of even-numbered years. A licensee shall have the
14 11 month of expiration and the month after the month of
14 12 expiration to renew the license. A person who fails to renew
14 13 a license by the end of this time period and desires to hold a
14 14 license shall file a new license application and pay the
14 15 required fee. A separate license shall be obtained for each
14 16 county in which an applicant conducts operations.

14 17 b. The applicant shall specify which business or
14 18 businesses, as enumerated in subsection 1, the applicant is
14 19 applying for a license to engage in. An applicant shall have
14 20 or demonstrate that the applicant will have the facilities and
14 21 equipment necessary to engage in the business or businesses
14 22 for which the applicant is applying for a license. The
14 23 license shall specify which business or businesses the
14 24 applicant has been authorized to engage in.

14 25 3. Each licensee shall file with the department a
14 26 supplemental statement form when the licensee's principal
14 27 place of business, an extension, or the operation of business
14 28 in the county is changed to differ from the information
14 29 contained on the initial license application form ~~within~~
~~14 30 fifteen days after each at least ten days prior to any~~
14 31 operational change. The department shall notify each licensee
14 32 of the approval of a change in license status. If a change in
14 33 license status is approved by the department the licensee
14 34 shall surrender the old license to the department together
14 35 with a thirty-five dollar fee. The department shall issue a
15 1 new license modified to reflect the principal place of
15 2 business, each extension, and the operations of the licensee.

15 3 Sec. 25. Section 321H.6, Code 2009, is amended to read as
15 4 follows:

15 5 321H.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.
15 6 The license of a person issued under the provisions of this
15 7 chapter may be denied, revoked, or suspended if the department
15 8 finds ~~that the licensee has any of the following:~~

15 9 1. Violated The licensee has violated any provisions
15 10 provision of this chapter, or,

15 11 2. Made The licensee has made any material
15 12 misrepresentation to the department in connection with an
15 13 application for a license, junking certificate, salvage
15 14 certificate, certificate of title, or registration of a
15 15 vehicle, or,

15 16 3. Been The licensee has been convicted of a fraudulent
15 17 practice in connection with selling or offering for sale
~~15 18 vehicles or parts of vehicles subject to registration under~~
~~15 19 chapter 321, or or any other indictable offense in connection~~
~~15 20 with selling or other activity relating to motor vehicles, in~~
~~15 21 this state or any other state.~~

15 22 4. Failed The licensee has failed to maintain an
15 23 established principal place of business in the county without
15 24 notification to the department, or,

15 25 5. Had The licensee has had a license issued under the
15 26 provisions of this chapter denied, suspended, or revoked
15 27 within the previous three years, or,

15 28 6. Been convicted of violation of any of sections 321.52,
~~15 29 321.71, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or~~
~~15 30 714.16.~~

15 31 Sec. 26. Section 321H.8, Code 2009, is amended to read as
15 32 follows:

15 33 321H.8 PENALTIES.

15 34 1. A person convicted of violating a provision of this
15 35 chapter is guilty of a serious misdemeanor.

16 1 2. A person convicted of a fraudulent practice or any
16 2 other indictable offense in connection with selling or other
16 3 activity relating to motor vehicles, in this state or any
16 4 other state, shall not for a period of five years from the
16 5 date of conviction be an owner, salesperson, employee, officer
16 6 of a corporation, or representative of a licensed motor
16 7 vehicle recycler or represent themselves as an owner.

16 8 salesperson, employee, officer of a corporation, or
16 9 representative of a licensed motor vehicle recycler.
16 10 Sec. 27. Section 322.3, subsection 12, Code 2009, is
16 11 amended to read as follows:
16 12 12. A person convicted of a fraudulent practice or any
16 13 other indictable offense in connection with selling
16 14 bartering, or otherwise dealing in or other activity relating
16 15 to motor vehicles, in this state or any other state, shall not
16 16 for a period of five years from the date of conviction be an
16 17 owner, salesperson, employee, officer of a corporation, or
16 18 dealer representative of a licensed motor vehicle dealer or
16 19 represent themselves as an owner, salesperson, employee, or
16 20 dealer representative of a licensed motor vehicle dealer.
16 21 Sec. 28. Section 322.6, Code 2009, is amended to read as
16 22 follows:
16 23 322.6 DENIAL OF LICENSE.
16 24 1. The department may deny the application of any a person
16 25 for a license as a motor vehicle dealer and refuse to issue a
16 26 license to the person as such, if, after reasonable notice and
16 27 a hearing, the department determines that such applicant any
16 28 of the following:
16 29 1- a. Has The applicant made a material false statement in
16 30 the application for the license or
16 31 2- b. Has The applicant has not complied with the
16 32 provisions of this chapter or any rules or regulations
16 33 promulgated adopted by the department thereunder pursuant to
16 34 this chapter, except as otherwise provided or
16 35 3- c. Is The applicant is of bad business repute or
17 1 4- d. Has The applicant has been guilty convicted of a
17 2 fraudulent act practice in connection with selling, bartering,
17 3 or otherwise dealing in or other activity relating to motor
17 4 vehicles or in this or any other state.
17 5 5- e. Is The applicant is about to engage in any a
17 6 fraudulent practice or other indictable offense in connection
17 7 with the sale, barter, or otherwise dealing in selling or
17 8 other activity relating to motor vehicles, which is fraudulent
17 9 or in violation of the law or in this or any other state.
17 10 6- f. Has The applicant has entered into a contract or
17 11 agreement or is about to enter into a contract or agreement
17 12 with any a manufacturer or distributor of motor vehicles which
17 13 is contrary to any provision of this chapter or
17 14 7- g. Has The applicant has a contract or agreement with
17 15 any a manufacturer or distributor of motor vehicles or is
17 16 about to enter into a contract or agreement with any a
17 17 manufacturer or distributor of motor vehicles, who, without
17 18 just, reasonable, and lawful cause therefor, has terminated
17 19 within ninety days from the date of application a contract or
17 20 agreement with a motor vehicle dealer in any county of the
17 21 state in which the applicant proposes to engage in business.
17 22 8- h. Does The applicant does not have a place of business
17 23 within the meaning of this chapter, unless the applicant is a
17 24 person referred to in subsection 7 of section 322.3.
17 25 subsection 7.
17 26 9- i. Has The applicant has violated any of the provisions
17 27 provision of sections section 321.78, 321.81, 321.92, 321.97,
17 28 321.98, 321.99, 321.100, 539.4, 714.1, and or 714.16 or
17 29 10- j. If it has been judicially determined Following a
17 30 judicial determination that the licensee has applicant
17 31 intentionally violated any of the provisions provision of the
17 32 Iowa consumer credit code, chapter 537, and the licensee the
17 33 applicant continues to make consumer credit sales, consumer
17 34 loans, or consumer leases in violation of the Iowa consumer
17 35 credit code, chapter 537.
18 1 k. The applicant is or will be acting on behalf of a
18 2 person whose dealer license has been revoked as provided in
18 3 this chapter.
18 4 2. It shall be sufficient cause for refusal or revocation
18 5 of a license as a motor vehicle dealer in the case of a
18 6 partnership or corporation if any member of the partnership or
18 7 any officer or director of the corporation has committed any
18 8 an act or omission which would be cause for refusing to issue
18 9 a license to, or revoking a license to of, such person as an
18 10 individual.
18 11 3. In considering whether or not a contract or agreement
18 12 between a motor vehicle dealer and a manufacturer or
18 13 distributor of motor vehicles has been terminated by such the
18 14 manufacturer or distributor without just and reasonable cause
18 15 therefor, the department shall take into consideration the
18 16 circumstances existing at the time of such the termination,
18 17 including the amount of business transacted by the motor
18 18 vehicle dealer pursuant to the contract or agreement and prior

18 19 to ~~such the~~ termination; the investment necessarily made and
18 20 the obligation necessarily incurred by the motor vehicle
18 21 dealer in the performance of the dealer's part of ~~such the~~
18 22 contract; the permanency of such investment; the reasons for
18 23 ~~such the~~ termination by ~~such the~~ manufacturer or distributor;
18 24 and the fact that it is injurious to the public welfare for
18 25 the business of a motor vehicle dealer to be disrupted by
18 26 termination of ~~such a~~ contract without just and reasonable
18 27 cause.

18 28 4. Whenever the department determines to deny the
18 29 application of ~~any a~~ person for a license as a motor vehicle
18 30 dealer and refuses to issue a license to the person ~~as such~~,
18 31 the department shall enter a final order ~~thereof~~ with its
18 32 findings relating ~~thereto to the determination~~ within thirty
18 33 days from the date of the hearing ~~thereon~~.

18 34 Sec. 29. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
18 35 The section of this division of this Act amending section
19 1 312.2, subsection 19, being deemed of immediate importance,
19 2 takes effect upon enactment and applies retroactively to
19 3 January 1, 2009.

19 4 DIVISION IV
19 5 ENFORCEMENT

19 6 Sec. 30. Section 321.95, Code 2009, is amended to read as
19 7 follows:

19 8 321.95 RIGHT OF INSPECTION.

19 9 1. Peace officers shall have the authority to inspect any
19 10 vehicle or component part in possession of a vehicle
19 11 rebuilder, vehicle salvager, used vehicle parts dealer, or any
19 12 person licensed under chapter 322, or found upon the public
19 13 highway or in any public garage, enclosure, or property in
19 14 which vehicles or component parts are kept for sale, storage,
19 15 hire, or repair and for that purpose may enter any such public
19 16 garage, enclosure, or property. Every vehicle rebuilder,
19 17 vehicle salvager, used vehicle parts dealer, or any person
19 18 licensed under chapter 322, or a person having used engines or
19 19 transmissions which are component parts for sale shall keep an
19 20 accurate and complete record of all vehicles demolished and of
19 21 such component parts purchased or received for resale as
19 22 component parts in the course of business. These records shall
19 23 contain the name and address of the person from whom each such
19 24 vehicle or component part was purchased or received and the
19 25 date when the purchase or receipt occurred or the junking
19 26 certificate if required for the vehicle. These records shall
19 27 be open for inspection by any peace officer at any time during
19 28 normal business hours. Records required by this section shall
19 29 be kept for at least three years after the transaction which
19 30 they record.

19 31 2. A person convicted of a violation of this section is
19 32 guilty of a simple misdemeanor punishable as a scheduled
19 33 violation under section 805.8A, subsection 14, paragraph "j".

19 34 Sec. 31. Section 321.449, subsection 4, Code 2009, is
19 35 amended to read as follows:

20 1 4. Notwithstanding other provisions of this section, rules
20 2 adopted under this section for drivers of commercial vehicles
20 3 shall not apply to a driver of a commercial vehicle who is
20 4 engaged exclusively in intrastate commerce, when the
20 5 commercial vehicle's gross vehicle weight rating is twenty-six
20 6 thousand pounds or less, unless the vehicle is used to
20 7 transport hazardous materials requiring a placard or if the
20 8 vehicle is designed to transport more than fifteen passengers,
20 9 including the driver. For the purpose of complying with the
20 10 hours of service recordkeeping requirements under 49 C.F.R. ~~+~~
20 11 ~~395.1(e)(5) }~~ 395.1(e)(1)(v)(A=D), a driver's report of daily
20 12 beginning and ending on-duty time submitted to the motor
20 13 carrier at the end of each workweek shall be considered
20 14 acceptable motor carrier time records. In addition, rules
20 15 adopted under this section shall not apply to a driver
20 16 operating intrastate for a farm operation as defined in
20 17 section 352.2, or for an agricultural interest when the
20 18 commercial vehicle is operated between the farm as defined in
20 19 section 352.2 and another farm, between the farm and a market
20 20 for farm products, or between the farm and an agribusiness
20 21 location. A driver or a driver-salesperson for a private
20 22 carrier, who is not for hire and who is engaged exclusively in
20 23 intrastate commerce, may drive twelve hours, be on duty
20 24 sixteen hours in a twenty-four-hour period and be on duty
20 25 seventy hours in seven consecutive days or eighty hours in
20 26 eight consecutive days. For-hire drivers who are engaged
20 27 exclusively in intrastate commerce and who operate trucks and
20 28 truck tractors exclusively for the movement of construction
20 29 materials and equipment to and from construction projects may

20 30 also drive twelve hours, be on duty sixteen hours in a
20 31 twenty-four-hour period, and be on duty seventy hours in seven
20 32 consecutive days or eighty hours in eight consecutive days. A
20 33 "driver=salesperson" means as defined in 49 C.F.R. } 395.2, as
20 34 adopted by the department by rule.

20 35 Sec. 32. Section 321.449, Code 2009, is amended by adding
21 1 the following new subsection:

21 2 NEW SUBSECTION. 8. a. In the course of enforcing the
21 3 motor carrier safety rules adopted by the department under
21 4 chapter 17A, the department's peace officers are authorized,
21 5 at reasonable times and places and under reasonable
21 6 circumstances, to enter upon, to inspect, and to examine any
21 7 and all vehicles and loads carried, land, buildings, and
21 8 equipment of any person subject to the federal motor carrier
21 9 safety regulations in 49 C.F.R. pts. 105=185, 382, 383, 385,
21 10 and 390=399, and to inspect and copy any and all accounts,
21 11 records, memoranda, correspondence, and other documents
21 12 including those maintained in an electronic format.

21 13 b. Upon request of a department peace officer acting
21 14 within the scope of official duties and authority with respect
21 15 to the federal motor carrier safety regulations in 49 C.F.R.
21 16 pts. 105=185, 382, 383, 385, and 390=399, at reasonable times
21 17 and places and under reasonable circumstances, and after being
21 18 furnished appropriate identification by that officer, a person
21 19 subject to the federal motor carrier safety regulations in 49
21 20 C.F.R. pts. 105=185, 382, 383, 385, and 390=399 shall submit
21 21 to the peace officer the person's accounts, books, records,
21 22 memoranda, correspondence, and other documents, including
21 23 those maintained in an electronic format, for inspection and
21 24 copying and shall submit the person's vehicles, loads, land,
21 25 buildings, and equipment for examination.

21 26 Sec. 33. Section 805.6, subsection 1, paragraph a,
21 27 subparagraphs (1) and (2), Code 2009, are amended to read as
21 28 follows:

21 29 (1) The commissioner of public safety, the director of
21 30 transportation, and the director of the department of natural
21 31 resources, acting jointly, shall adopt a uniform, combined
21 32 citation and complaint which shall be used for charging all
21 33 traffic violations in Iowa under state law or local regulation
21 34 or ordinance, and which shall be used for charging all other
21 35 violations which are designated by sections 805.8A, 805.8B,
22 1 and 805.8C to be scheduled violations. The filing fees and
22 2 court costs in cases of parking meter and overtime parking
22 3 violations which are denied are as stated in section 602.8106,
22 4 subsection 1. The court costs in scheduled violation cases
22 5 where a court appearance is not required are as stated in
22 6 section 602.8106, subsection 1. The court costs in scheduled
22 7 violation cases where a court appearance is required are as
22 8 stated in section 602.8106, subsection 1. This subsection
22 9 does not prevent the charging of any of those violations by
22 10 information, by private complaint filed under chapter 804, or
22 11 by a simple notice of fine where permitted by section 321.236,
22 12 subsection 1. Each uniform citation and complaint shall be
22 13 serially numbered and shall be in quintuplicate, and the
22 14 officer shall deliver the original and a copy to the court
22 15 where the defendant is to appear, two copies to the defendant,
22 16 and a copy to the law enforcement agency of the officer. If
22 17 the uniform citation and complaint is created electronically,
22 18 the issuing agency shall cause the uniform citation and
22 19 complaint to be transmitted to the court, and the officer
22 20 shall deliver a document to the defendant which contains a
22 21 section for the defendant and a section which may be sent to
22 22 the court. The court shall forward an abstract of the uniform
22 23 citation and complaint in accordance with section 321.491 when
22 24 applicable.

22 25 (2) The uniform citation and complaint shall contain
22 26 spaces for the parties' names; the address of the alleged
22 27 offender; the registration number of the offender's vehicle;
22 28 the information required by section 805.2, a warning which
22 29 states, "I hereby swear and affirm that the information
22 30 provided by me on this citation is true under penalty of
22 31 providing false information"; and a statement that providing
22 32 false information is a violation of section 719.3; a list of
22 33 the scheduled fines prescribed by sections 805.8A, 805.8B, and
22 34 805.8C, either separately or by group, and a statement of the
22 35 court costs payable in scheduled violation cases, whether or
23 1 not a court appearance is required or is demanded; a brief
23 2 explanation of sections 805.9 and 805.10; and a space where
23 3 the defendant may sign an admission of the violation when
23 4 permitted by section 805.9; and the uniform citation and
23 5 complaint shall require that the defendant appear before a

23 6 court at a specified time and place. The uniform citation and
23 7 complaint also may contain a space for the imprint of a credit
23 8 card, and may contain any other information which the
23 9 commissioner of public safety, the director of transportation,
23 10 and the director of the department of natural resources may
23 11 determine.

23 12 Sec. 34. Section 805.8A, subsection 14, Code 2009, is
23 13 amended by adding the following new paragraph:

23 14 NEW PARAGRAPH. j. VEHICLE COMPONENT PARTS RECORDS
23 15 VIOLATIONS. For violations under section 321.95, the
23 16 scheduled fine is fifty dollars.

23 17 DIVISION V
23 18 FUEL TAX REVENUES

23 19 Sec. 37. Section 452A.3, subsection 1, paragraph a, Code
23 20 2009, is amended to read as follows:

23 21 a. The rate of the excise tax shall be based on the number
23 22 of gallons of ethanol blended gasoline that is distributed in
23 23 this state as expressed as a percentage of the number of
23 24 gallons of motor fuel distributed in this state, which is
23 25 referred to as the distribution percentage. For purposes of
23 26 this subsection, only ethanol blended gasoline and nonblended
23 27 gasoline, not including aviation gasoline, shall be used in

23 28 determining the percentage basis for the excise tax. The
23 29 department shall determine the percentage basis for each
23 30 determination period beginning January 1 and ending December
23 31 31. The rate for the excise tax shall apply for the period
23 32 beginning July 1 and ending June 30 following the end of the
23 33 determination period.

23 34 DIVISION VI

23 35 TIME=21 FUND == CAP ON ANNUAL DEPOSITS

24 1 Sec. 35. Section 312A.2, Code 2009, is amended to read as
24 2 follows:

24 3 312A.2 TRANSPORTATION INVESTMENT MOVES THE ECONOMY IN THE
24 4 TWENTY-FIRST CENTURY (TIME=21) FUND.

24 5 1. A transportation investment moves the economy in the
24 6 twenty-first century fund is created in the state treasury
24 7 under the control of the department. The fund shall be known
24 8 and referred to as the TIME=21 fund. The fund shall consist
24 9 of any moneys appropriated by the general assembly and any
24 10 revenues credited by law to the TIME=21 fund. Moneys in the
24 11 fund are not subject to section 8.33. Notwithstanding section
24 12 12C.7, subsection 2, interest or earnings on moneys deposited
24 13 in the fund shall be credited to the fund.

24 14 2. Notwithstanding subsection 1 and section 312.2, for the
24 15 fiscal year beginning July 1, 2008, and for each fiscal year
24 16 thereafter, not more than a total of two hundred twenty-five
24 17 million dollars shall be deposited in the TIME=21 fund for any
24 18 fiscal year. Any remaining moneys directed to be deposited in
24 19 the TIME=21 fund for a fiscal year shall be deposited or
24 20 retained in the road use tax fund.

24 21 Sec. 36. EFFECTIVE DATE. The section of this division of
24 22 this Act amending section 312A.2, being deemed of immediate
24 23 importance, takes effect upon enactment.

24 24 EXPLANATION

24 25 This bill contains miscellaneous provisions concerning the
24 26 administration of the department of transportation and matters
24 27 regulated by the department.

24 28 DIVISION I == ADMINISTRATION. The bill strikes language
24 29 authorizing the use of moneys in the statutory allocation fund
24 30 for expenditures for projects on bridges over rivers bordering
24 31 the state which are not payable from the primary road fund.

24 32 DIVISION II == DRIVER LICENSING. The bill provides that a
24 33 person who has been named by a court as the temporary
24 34 custodian of an unmarried minor under 18 years of age may
24 35 consent to the issuance of a driver's license to the minor.
25 1 The custodian may authorize the minor's participation in the
25 2 graduated driver licensing program and fulfill the role of
25 3 parent or guardian for the accompanied driving requirements of
25 4 the program.

25 5 The bill amends provisions relating to disqualification of
25 6 a commercial motor vehicle operator for operating while
25 7 intoxicated. Under current law, a person is disqualified from
25 8 operating a commercial motor vehicle for one year if the
25 9 person is found to have operated a commercial motor vehicle
25 10 while any amount of a controlled substance is present in the
25 11 person or if the person is found to have operated a commercial
25 12 or noncommercial motor vehicle while under the influence of an
25 13 alcoholic beverage or other drug or controlled substance. The
25 14 bill replaces those provisions with a single requirement that
25 15 a person is disqualified from operating a commercial motor
25 16 vehicle for one year if the person is found to have operated a

25 17 commercial or noncommercial motor vehicle while intoxicated,
25 18 as that term applies for all motor vehicle operators under
25 19 Code chapter 321J. The bill makes a conforming amendment
25 20 relating to the information required in a peace officer's
25 21 statement to a person requested to submit to a chemical test.
25 22 Finally, the bill requires that when a person's driver's
25 23 license has been administratively revoked upon a charge of
25 24 operating while intoxicated and a criminal decision on the
25 25 evidence leads to rescission of the revocation, the department
25 26 shall also rescind a disqualification from operating a
25 27 commercial motor vehicle that resulted from the same
25 28 circumstances that lead to the revocation if the person was
25 29 operating a noncommercial motor vehicle and holding a
25 30 commercial driver's license when the incident occurred.

25 31 The bill strikes the duty of the department of
25 32 transportation to determine whether a person has the ability
25 33 to pay a criminal penalty, fine, surcharge, or court costs
25 34 before the department suspends the person's driver's license
25 35 for failure to pay.

26 1 The bill repeals the department's administrative authority
26 2 to waive or refund driver's license fees.

26 3 DIVISION III == VEHICLES. Language allocating revenue from
26 4 trailer registration fees to the TIME=21 fund is revised to
26 5 account for fees that are prorated for a portion of a year,
26 6 and not just fees that are collected for the entire year.
26 7 This provision takes effect upon enactment and applies
26 8 retroactively to January 1, 2009.

26 9 The definition of "dealer" in Code chapter 321 is amended
26 10 to include persons required to be licensed as motor vehicle
26 11 dealers or as travel trailer dealers.

26 12 The bill eliminates specific requirements for the design of
26 13 registration plates issued for private school buses and
26 14 transit buses. Plates labeled "private school bus" or
26 15 "transit bus" will no longer be required.

26 16 The bill allows a private towing company to sell an
26 17 abandoned vehicle towed at the request of the owner of private
26 18 property. Under the bill, a private property owner or person
26 19 in control of private property may employ a garagekeeper to
26 20 tow an abandoned vehicle from the private property and take
26 21 the vehicle into custody without the initiative of a police
26 22 authority. Within 20 days after taking the vehicle into
26 23 custody, the garagekeeper must provide notice to the last
26 24 known registered owner of the vehicle, all lienholders of
26 25 record, and any other known claimant to the vehicle or
26 26 personal property found in the vehicle. If the persons
26 27 receiving notice do not ask for a hearing or exercise their
26 28 right to reclaim the vehicle within 10 days, the garagekeeper
26 29 may sell the vehicle at public auction for use upon the
26 30 highway or for junk, or the garagekeeper may demolish the
26 31 vehicle. Pursuant to current law, when a vehicle is abandoned
26 32 on a garagekeeper's property, a police authority may take the
26 33 vehicle into custody and sell the vehicle at auction;
26 34 otherwise, the garagekeeper may dispose of the vehicle to a
26 35 demolisher. "Garagekeeper" is defined as an operator of a
27 1 parking place or establishment, motor vehicle storage
27 2 facility, or establishment for the servicing, repair, or
27 3 maintenance of motor vehicles.

27 4 The bill allows the department to issue special gold star
27 5 motor vehicle registration plates with a design and color that
27 6 varies from that of regular registration plates. Currently,
27 7 most special plates must conform to the design and color of
27 8 regular registration plates, except for a space to allow
27 9 placement of a distinguishing processed emblem.

27 10 The bill amends several provisions relating to vehicle
27 11 recyclers. The bill specifies that a license is required for
27 12 a person engaged in the business of dismantling, scrapping,
27 13 recycling, salvaging, or obtaining a junking certificate for
27 14 more than six vehicles subject to registration in a 12-month
27 15 period. The period for filing a supplemental statement form
27 16 with the department is changed from within 15 days after each
27 17 operational change to at least 10 days prior to any
27 18 operational change. The bill clarifies that grounds for
27 19 revocation of a license include conviction of a fraudulent
27 20 practice or any other indictable offense in connection with
27 21 selling or other activity relating to motor vehicles in this
27 22 or any other state. For five years following such a
27 23 conviction, a person shall not be, and shall not represent
27 24 themselves to be, an owner, salesperson, employee, officer of
27 25 a corporation, or representative of a licensed motor vehicle
27 26 recycler.

27 27 The bill makes revisions to Code sections 322.3 and 322.6

27 28 relating to prohibited acts regarding motor vehicle
27 29 manufacturing, distributing, and selling and to denial of an
27 30 application for a motor vehicle dealer's license,
27 31 respectively. The bill clarifies provisions regarding
27 32 prohibitions against, and denial of a motor vehicle dealer's
27 33 license for, acts which are fraudulent practices or other
27 34 indictable offenses in connection with selling or other
27 35 activity relating to motor vehicles in this or any other
28 1 state. In addition, the bill provides that a motor vehicle
28 2 dealer's license may be denied if the applicant is or will be
28 3 acting on behalf of a person whose dealer license has been
28 4 revoked.

28 5 DIVISION IV == ENFORCEMENT. Current law gives peace
28 6 officers inspection authority concerning vehicles and
28 7 component parts and establishes recordkeeping requirements for
28 8 vehicle rebuilders, vehicle salvagers, used vehicle parts
28 9 dealers, motor vehicle dealers, and certain other persons
28 10 engaged in related practices. Currently, a violation of those
28 11 provisions is a simple misdemeanor. The bill changes the
28 12 penalty to a simple misdemeanor punishable by a scheduled fine
28 13 of \$50.

28 14 The bill provides inspection authority for peace officers
28 15 to examine vehicles, loads, land, buildings, and equipment of
28 16 any person subject to federal motor carrier safety regulations
28 17 and requires those persons to permit such examinations and
28 18 submit required documents for inspection and copying.

28 19 The bill adds language to requirements for the processing
28 20 of a uniform citation and complaint that is created
28 21 electronically. Specifically, the issuing agency must
28 22 transmit the uniform citation and complaint to the court, and
28 23 the officer issuing the citation must deliver a document to
28 24 the defendant which contains a section for the defendant and a
28 25 section which may be sent to the court.

28 26 DIVISION V == FUEL TAX REVENUES. The bill amends Iowa Code
28 27 section 452A.3 to clarify that aviation gasoline is excluded
28 28 under the formula for the calculation of the excise tax on
28 29 ethanol blended gasoline and regular gasoline.

28 30 DIVISION VI == TIME=21 FUND == CAP ON ANNUAL DEPOSITS. The
28 31 bill establishes a cap on the amount of revenue to be
28 32 deposited in the TIME=21 fund. Beginning with FY 2008=2009,
28 33 not more than \$225 million shall be deposited in the TIME=21
28 34 fund. Any revenues directed to the TIME=21 fund above that
28 35 limit are to be deposited or retained in the road use tax
29 1 fund.

29 2 LSB 1312SV 83
29 3 dea/nh/8